

REGULATION 2 —PHARMACISTS

02-00: GENERAL REQUIREMENTS FOR PHARMACISTS

02-00-0001 CHANGES IN EMPLOYMENT

Whenever any licensed pharmacist shall change his place of employment for any reason, it shall be the duty of the former and current employer and said licensed pharmacist to notify the Arkansas State Board of Pharmacy in writing of such change within five days after such change of employment. Notification must be made by letter, fax or email and must contain the new place of employment of the licensed pharmacist, his license number, and his renewal number. (10/9/80, amended 10/14/81).

02-00-0002—REPLACEMENT OF PHARMACIST’S CERTIFICATE

Any licensed pharmacist whose certificate has been lost or destroyed may procure a duplicate from the Arkansas State Board of Pharmacy by filing an affidavit that said certificate has been lost or destroyed and by paying a fee as defined in regulation 01-00-0007. (10/9/80 amended 8/23/96).

02-00-0003—PRACTICE AFTER INACTIVITY WHEN RECIPROCATING OR REINSTATING A LICENSE

- (a) To be reinstated and immediately practice without supervision, the pharmacist's license shall not have lapsed more than two calendar years.
- (b) To be reciprocated and immediately practice without supervision, the pharmacist shall have practiced the profession of pharmacy, as defined by law, in a licensed facility at least forty (40) hours per year in the previous two calendar years.
- (c) If these criteria are not met, the pharmacist must:
 - (1) Prior to resuming the unsupervised practice of pharmacy, practice 40 hours under direct pharmacist supervision of an Arkansas licensed pharmacist for each year or part of year out of practice. This time under supervision shall not exceed 240 hours.
 - (2) Cause the supervising pharmacist to document in writing to the Board, that the pharmacist has completed the designated number of hours of supervised practice.
 - (3) Meet with a Board representative in a practice situation so that the Board representative can, by observation, questioning, and other methods, ensure that the pharmacist is able to competently practice pharmacy. (10/12/93)

02-00-0004—ARMED FORCES CERTIFICATES

Any person serving in the armed forces within the State of Arkansas, who is a licensed pharmacist in another state, may obtain a temporary permit to practice pharmacy in the State of Arkansas by furnishing certified proof of his registration from the Board of Pharmacy in his state of original registration, and the payment of a fee as defined in Regulation 01-00-0007. This permit shall entitle the holder thereof to practice in any store where an Arkansas licensed pharmacist is on duty a minimum of forty (40) hours per week. The permit must be renewed at each succeeding meeting of the Board. (10/09/80 amended 8/23/96).

02-01: INTERNSHIP/CLERKSHIP

02-01-0001—INTERNSHIP REQUIRED

Hereafter no extern, intern, or student of a pharmacy school shall be granted authority from this Board to practice pharmacy in Arkansas and serve any internship period in Arkansas unless he is licensed with the Arkansas State Board of Pharmacy ~~and pays an intern license fee as defined in regulation~~ and undergoes a criminal background check pursuant to Regulation 11 and conducted by the Arkansas State Police and the Federal Bureau of Investigation. The application Applications for an intern's license, and for criminal background checks, will be furnished by the Arkansas State Board of Pharmacy. The applicant will be responsible for the payment of applicable fees to the Arkansas State Police for state and federal criminal background check; and to the Arkansas State Board of Pharmacy for an intern's license. (Amended 6/23/96 and 10/2003).

02-01-0002—BOARD OF PHARMACY REGULATES INTERNSHIP PROGRAM

The Board of Pharmacy is charged with regulating the internship program in Arkansas Code §17-92-307. The Arkansas State Board of Pharmacy recognizes that in order to properly fulfill its obligation to the profession of pharmacy and general welfare and protection of the public health that it must implement and supervise an internship program in the State of Arkansas.

From time to time, as is required to establish a viable internship program, the Board will establish, publish, and disseminate criteria establishing requirements and standards necessary for qualifications for licensure under Arkansas Code §17-92-305, and §17-92-307.

Hereafter, every applicant for licensure by examination in Arkansas must have 2,000 hours of acceptable internship training obtained after beginning the professional college curriculum. Up to 1,500 hours of the required 2,000 may be obtained in a training program as part of school curriculum.

02-01-0003—DEFINITIONS

- (a) "Licensed intern" means a person licensed by the Arkansas State Board of Pharmacy, as a licensed intern, and who is a student accepted by, and enrolled as a student in the University of Arkansas College of Pharmacy or a student enrolled in an approved College of Pharmacy outside of Arkansas, or who is a graduate of a foreign college of pharmacy and has successfully completed a transcript verification program and who, due to circumstances beyond his/her control, has not been able to successfully complete a college of pharmacy equivalency exam program, equivalent to graduation from a Board of Pharmacy approved College of Pharmacy as set forth in regulation 02-02-0001 (A); provided, however, the graduate may qualify as a licensed intern, under this exception to the required college of pharmacy equivalency exam program set forth in regulation 02-02-0001 (A) only until the first offering of said equivalency.
- (1) "Extern" means an intern prior to graduation or a graduate who has taken and failed the Board exam.
- (2) "Graduate intern" means an intern who has graduated or completed requirements for examination as set forth in 02-02-0001 (a).
- (b) "Graduation" means certification from a Board-approved College of Pharmacy that the student has fulfilled all requirements for graduation or has completed all foreign pharmacist requirements as set forth in regulation 02-02-0001 (a).

- (c) "Supervision" means a certified preceptor or alternate preceptor supervises the practical experience of a licensed intern with both personal and physical supervision, and actually gives instruction to the intern obtaining the experience during the entire period of such experience.
- (d) "Limited supervision" means that a pharmacist in a Class A pharmacy, supervising a graduate intern is within voice or telephone contact.
- (e) "Class A pharmacy" means a pharmacy which has a pharmacy permit with a pharmacist on duty at least forty (40) hours per week, and no unsatisfactory deficiency and no more than three non-compliant deficiencies noted on its last Board inspection. (Amended 10/00).

02-01-0004—REQUIREMENTS FOR INTERNSHIP TRAINING

- (a) Any extern or intern receiving internship training practice or experience in the State of Arkansas must be licensed as an intern with the Arkansas State Board of Pharmacy. No credit for internship training will be allowed prior to licensure as an intern. The intern license application can be obtained from the office of the Board of Pharmacy. The intern license fee is specified in regulation 01-00-0007(a)10.
- (b)
 - (1) All students accepted by and enrolled as students in the University of Arkansas College of Pharmacy shall be licensed as interns.
 - (2) All students enrolled in Colleges of Pharmacy outside Arkansas shall license as interns in Arkansas prior to any participation in the practice of Pharmacy as defined in §17-92-101, §17-92-301, and §17-92-307.
 - (3) Provided that any licensed intern shall not participate in the practice of Pharmacy as defined in §17-92-101, §17-92-301, and §17-92-307, until said intern has successfully completed the first professional year on a 2-3 or 2-4 program of study, or the second professional year on a 1-4 program of study in a school or college of pharmacy approved by the Arkansas State Board of Pharmacy.
 - (4) The intern license remains valid as long as the intern maintains active student status in a Board-approved College of Pharmacy, and for one year (12 calendar months) after graduation from a College of Pharmacy, or completion of foreign pharmacist requirements as set forth in regulation 02-02-0001 (a). At this time, the intern license becomes void.
 - (5) The graduate intern may not practice pharmacy until approval by the Board of Pharmacy has been granted and another license as an intern in Arkansas has been granted.
- (c) The licensed intern's certificate must be displayed in the drugstore or pharmacy in which the intern is being trained. Licensed interns shall not be left in sole charge of the prescription department at any time. Violation of this regulation may result in a cancellation of any and all internship hours toward licensure that may be accrued by the pharmacy intern, and the revocation of the preceptor's certificate.
- (d) For each pharmacy setting where an intern practices pharmacy, the intern shall complete and file with the Board of Pharmacy office, prior to any practice, a "Training Plan" that is signed by the preceptor pharmacist, or supervising pharmacist (in the case of a graduate intern,) for that particular work situation. Training plans shall expire on May 1 of each year. At no time may a preceptor supervise more than one licensed intern.
- (e) Participation in a School or College of Pharmacy curriculum extern or clerkship program, approved by the Board of Pharmacy, will be credited week for week as training.

- (f) The Arkansas State Board of Pharmacy examination will be offered upon graduation and proof of participation in an approved extern clerkship program in a school curriculum, or proof of completion of foreign pharmacist requirements as set forth in regulation 02-00-0001 (a).
 - (g) After proving eligibility to sit for the Board Examination, the candidate may practice pharmacy in the State of Arkansas under limited supervision in a Class A pharmacy. Failure to make a passing grade on the examination will reduce the applicant to extern status for further training under the personal and physical supervision of an assigned preceptor or alternate preceptor. The candidate must sit for the exam within six (6) months of graduation. Failure to sit for the exam within six (6) months will reduce the applicant to extern status for further training under the personal and physical supervision of an assigned preceptor or alternate preceptor.
 - (h) After presenting proof of 2,000 hours of practical experience or training under Arkansas Board of Pharmacy approved conditions, the intern may be designated as a candidate suitable for full licensure if other conditions have been met. Affidavits of 2000 hours of practical experience or internship training must be submitted to the Board of Pharmacy for full licensure, and can be obtained from the Board of Pharmacy office.
 - (1) Before permitting a student to participate in any way in the practice of Pharmacy, the preceptor must assure:
 - (A) The preceptor is licensed.
 - (B) The intern is currently licensed.
 - (C) The intern has filed a current training plan, described in subdivision (d) of this section.
- (Revised 6/22/84, 4/07/89, 6/20/91, and 4/10/92)

02-01-0005—RULES APPLYING TO PRECEPTORS WHO TRAIN INTERNS

The Arkansas internship-training program requires that a pharmacist, who has been duly certified by the Arkansas State Board of Pharmacy, may serve as preceptor or alternate for an intern or extern. A pharmacist must meet the following requirements to be certified as a preceptor or alternate by the State Board of Pharmacy:

- (a) Be an Arkansas pharmacist, licensed for more than two years and actively engaged in the practice of Pharmacy for the two years immediately preceding the application for certification as a preceptor. A pharmacist can be certified as an alternate without the two-year practice requirement.
- (b) Be a full-time pharmacist in a pharmacy which currently holds a Class A rating indicated by the Inspection Sheet for pharmacies as outlined by the State Board of Pharmacy.
- (c) For the initial application as preceptor or alternate preceptor, the applicant must satisfactorily complete a test on requirements and responsibilities of a preceptor or alternate preceptor as developed and administered by the Board of Pharmacy or its representatives.
- (d) Have a pharmacy library (latest edition), which meets or exceeds the requirements of the "Inspection Sheet" for pharmacies.
- (e) At least one preceptor from the internship site shall be a member of an appropriate national pharmaceutical organization. Preceptors and alternates shall be a member of at least one professional state organization.
- (f) Must not have been convicted of any violation of Arkansas Code §17-92-311, unless the Board officially grants exception.
- (g) Must have attended at least one professional meeting during the previous calendar year.
- (h) Must agree to give immediate personal and direct physical supervision to the assigned intern. A preceptor or alternate cannot supervise more than one intern at any specified time.

- (i) Preceptors and alternates must renew their certification every two years by application and payment of fees specified in regulation 01-00-0007.

02-01-0006—PENALTY FOR VIOLATION

Violation of any of the rules and requirements set forth in this section may cause the preceptor or alternate to lose his or her certification, and may also cause the intern to lose internship training credit. (10/09/80, Revised 2/17/82/12/86, 2/10/87, 6/20/91, and 8/23/96).

02-01-0007—ACCREDITED PHARMACY DEGREE PROGRAM

An accredited pharmacy degree program shall be any program which meets at least the minimum standards established for a recognized Bachelor of Science program by the American Council on Pharmaceutical Education.

At the October Board meeting each year, the Board of Pharmacy shall adopt a specific list (by name) of approved colleges. Until the list is revised, the existing list shall remain valid. (6/25/83)

02-02: EXAMINATION

02-02-0001—REQUISITES FOR EXAMINATION

Before being admitted to the Arkansas State Board of Pharmacy Examination, each applicant must meet the following requirements:

- (a) Satisfactory proof of graduation and receipt of the first professional undergraduate degree from a college of pharmacy approved by the Arkansas State Board of Pharmacy; or satisfactory proof of graduation from a foreign college of pharmacy, completion of a transcript verification program, successful completion of a college of pharmacy equivalency exam program equivalent to graduation from a Board of Pharmacy approved College of Pharmacy, and a minimum score of 550 on the Test of English as a Foreign Language (TOEFL) within two years of the completion of the college of pharmacy equivalency exam.
- (b) Applicants will apply to the Board of Pharmacy for an application blank, which must be completed and returned to the Board of Pharmacy office together with the fee as defined in regulation 01-00-0007, plus cost of the exam as determined by the Board. The application must be received no later than the date designated by the Board for receipt of applications.
- (c) Each application must be accompanied by a recent 3" X 2" picture and a physical description stating age, height, weight, color of hair, eyes, and complexion of the applicant.
- (d) Each applicant must undergo a state and federal criminal background check pursuant to Regulation 11, to be conducted by the Arkansas State Police and the Federal Bureau of Investigation. The Board will furnish the forms and instructions to applicants for the criminal background check. The applicant is responsible for the payment of fees to the Arkansas State Police for the criminal background checks.
- (e)
 - (1) The examination will be held at a site and at a time or during a time period designated by the Board of Pharmacy, and each applicant will be notified in advance.
 - (2) Upon the receipt by the Board of Pharmacy of (1) certification of the requirements as defined in section (a) of this regulation, and (2) an application for examination for licensure such applicant may practice pharmacy as a graduate intern, pursuant to regulation § 02-01-

0002, in the State of Arkansas temporarily until the occurrence of the first of the following events:

- (A) failure to take the exam at the designated time for the individual applicant; provided, however, the Board may grant a similar temporary privilege to practice pharmacy as a graduate intern subject to the same terms and conditions herein in the event the applicant is reasonably unable, due to circumstances beyond the applicant's control, to take the examination at the first designated time for the individual applicant;
 - (B) failure to receive a passing grade on the examination at the first designated time for the individual applicant;
 - (C) the expiration of 12 calendar months following the applicant's graduation date from a college of pharmacy or completion of foreign pharmacist requirements as set forth in this section.
- (3) The granting of status as a graduate intern, shall in no way entitle the recipient thereof to any rights of tenure of permanent license and is conferred gratuitously at the discretion of the Board.
- (e) The test or tests shall be graded and reported, and a reported score of 75 or above is considered passing.
 - (f) No person except members of the Board of Pharmacy or their authorized representatives will be permitted to enter the testing site during the course of examination.
 - (g) The applicant must make a score of 70% or more on the jurisprudence exam prior to making application for licensure as a pharmacist in the state of Arkansas. (10/09/80, Revised 1/14/81, 6/22/84, 6/13/85, 6/20/91, [and 2/11/97](#), [and 10/2003](#))

02-02-0002—SCORE TRANSFER

The Arkansas State Board of Pharmacy participates in the National Association of Boards of Pharmacy Score Transfer Program. The Score Transfer Program requires the applicant, or test candidate, to submit a NAPLEX Score Transfer Form either before the administration date of NAPLEX or within seven days after the examination, and fulfill other state requirements for licensure in the state to which the scores are transferred for licensure by examination in that state. Score transfer forms will be available upon request from the Board of Pharmacy office.

If a candidate takes NAPLEX in another participating state, properly transfers the score to Arkansas, and completes other requirements for licensure [including but not limited to criminal background checks pursuant to Regulation 11](#), Arkansas will license the applicant by the examination process.

The Arkansas State Board of Pharmacy will provide information related to states participating, NAPLEX fees, and Arkansas fees. ([6/20/91](#), [revised 10/2003](#))

02-03: RECIPROCITY

02-03-0001—REQUIREMENTS FOR RECIPROCITY

No temporary license shall be granted to a reciprocity applicant until the preliminary application has been received and approved by the National Association of Boards of Pharmacy and the applicant has submitted the application to the Arkansas State Board of Pharmacy office, paid the reciprocity fee, [undergone a criminal background check pursuant to Regulation 11](#), supplied a copy

of the applicant's birth certificate, submitted proof of required continuing education, and supplied a current photograph of the applicant. The temporary license shall expire at the next meeting of the Board of Pharmacy after the issuance of the temporary license, or when the results of the criminal background check have been received, whichever is later. However, the temporary license will automatically expire 180 days from the date of issue and the holder of the temporary license must cease practicing pharmacy in the State of Arkansas until reciprocity has been granted by the Arkansas State Board of Pharmacy.

Before issuing a temporary license, the Board Member must personally talk to the applicant and ascertain that he/she has passed the Arkansas Jurisprudence Exam.

A pharmacist is not eligible for an Arkansas license by reciprocity until he or she has been licensed six months in his/her state of original licensure by examination. Any practice in Arkansas within this six month period, must be as an intern and under the requirements set out in this criteria (unless consideration is made by the Board of Pharmacy and an exception is approved). The application for reciprocity will become null and void if it has not been completed within one year of the date of receipt in the Board of Pharmacy office. (10/09/80, Revised 4/07/89 and 4/10/92, 2/10/97, and 10/2003)

02-04: DEFINING UNPROFESSIONAL OR DISHONORABLE CONDUCT:

02-04-0001—Preamble

In defining "unprofessional conduct," the definitions of professional conduct and a pharmacist's duty should be determined. Professional conduct may be defined as complying with all the laws and regulations that apply to a given professional activity.

A pharmacist's duty means the practicing pharmacist has a general duty to qualify himself by attaining and maintaining an acceptable level of professional competence and by using such skill and precaution in the preparation, compounding, dispensing, labeling and distribution of drugs and medical devices whether on prescription or not, so as to prevent injury or death to all who are exposed to his or her professional services; and if the pharmacist is an owner, operator, or director of a pharmacy, he has an additional duty to employ only qualified persons and such other duties as are incidental to the operation of a mercantile business establishment.

02-04-0002—Definition

Unprofessional or dishonorable conduct by a pharmacist shall mean, among other things, but not limited to:

- (a) Violation of any provision of the pharmacy act.
- (b) Violation of the Board of Pharmacy regulations.
- (c) Violation of the Food, Drug and Cosmetic act.
- (d) Violation of the Uniform Controlled Substances Act.
- (e) Failure of a pharmacist to conduct himself or herself professionally in conformity with all applicable federal, state, and municipal laws and regulations in his or her relationship with the public, other health care professions, and fellow pharmacists.
- (f) Failure to keep his or her pharmacy and/or area of professional practice clean, orderly, maintained and secured for the proper performance of his professional duties.